

Attorney Docket No.: P27997

Application No.: 10/538,766

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Yoshihiro USUI et al.

Group Art Unit: Unknown

Appln. No. : 10/538,766

(National Stage of PCT/JP2003/015968)

Examiner: Deepak R. RAO

I.A. Filed : December 12, 2003

Confirmation No.: 5553

For : 3-SUBSTITUTED-4-PYRIMIDONE DERIVATIVES

TERMINAL DISCLAIMER

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

Your petitioners, MITSUBISHI TANABE PHARMA CORPORATION, a corporation organized and existing under the laws of Japan, whose post-office address is 2-10, Dosho-Machi 3-chome, Chuo-ku, Osaka-shi, Osaka 541-8505 Japan, and SANOFI-AVENTIS, a corporation organized and existing under the laws of France, whose post-office address is 174, Avenue de France, F-75013 Paris, France, hereinafter known as the ASSIGNEES, represent that they are the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on October 31, 2006 at Reel 018460, Frame 0271, and by virtue of a Change of Name recorded in the U.S. Patent and Trademark Office on April 22, 2008 at Reel 020838, Frame 0701. ASSIGNEES are also the owner of record of the entire right, title and interest of U.S. Patent No. 7,504,411, by virtue of an assignment recorded in the U.S. Patent and Trademark Office on May 31, 2006 at Reel 017698, Frame 0941, and by virtue of a Change of Name recorded in the U.S. Patent and Trademark Office on April 22, 2008 at Reel 020838, Frame 0701.

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The undersigned representatives are authorized to act on behalf of the ASSIGNEES, and it is certified that to the best of the undersigned's knowledge and belief, title is in the ASSIGNEES.

Your petitioners, MITSUBISHI TANABE PHARMA CORPORATION and SANOFI-AVENTIS, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of any patent granted on U.S. Patent No. 7,504,411, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on U.S. Patent No. 7,504,411, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioners do not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of any patent granted on U.S. Patent No. 7,504,411 in the event that any patent granted on this application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

The undersigned hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,
MITSUBISHI TANABE PHARMA
CORPORATION

Date: July 03, 2009

By: Yoko Yamamoto
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SANOFI AVENTIS

Date: July 03, 2009

By: [Signature]
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Director Patent France